UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,708	01/06/2004	Lindeng Yu	12646-US-PA	1707

31561   7590   01/19/2007

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER
TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
2162	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/707,708	YU ET AL.
	Examiner	Art Unit	
	Cam Y T. Truong	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10/27/06</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's election of group I, claims 1-7 and canceled claims 8-15 in the reply filed on 10/27/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-7 are pending in this Office Action.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3.   The filed IDS on 1/16/2006 & 8/4/2005 are considered because they are not translated in English Language. Thus, Examiner cannot consider these IDS.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 1 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the

alternative, under 35 U.S.C. 103(a) as obvious over Callahan et al (or hereinafter

"Callahan") (US 2004/0193953) in view of East et al (or hereinafter "East") (US

6651077).

As to claim 1, Callahan teaches a method suitable for an electronic system for

restoring a backup data, comprising: providing a backup data file (fig. 8) comprising

"providing a backup data file comprising at least an application data" as providing

one or more backed-up configuration settings are stored in one or more backup archive

files 16, wherein each backup archive file includes backed-up configuration settings

from different application programs (paragraph [0023]);

"searching an application program corresponding to the application data within a

registry of the electronic system" as when the user selects one of the archive files , such

as shown with the displayed backup archive 256, all the applications whose

configuration settings are backed-up in the selected archive file 16 are listed in a select

configuration settings section 258 of the GUI panel. The above information shows that

a user search all applications corresponding to the configuration settings with registry of

the system (fig. 7, paragraph [0034]);

"if it is found that there is an application program corresponding to the application

data, the application data is restored" as restoring all configuration settings for a listed

application program. It means that the listed application program is found

corresponding to the all configuration settings (fig. 7, paragraph [0034]);

" if it is found that there is no application program corresponding to the

application data, the application data is not restored" as restoring all configuration

settings for a listed application program. It means that no listed program is found or

displayed , no restoring configuration settings the listed application program is found

corresponding to the all configuration settings (fig. 7, paragraph [0034]).

As to claim 1, Callahan teaches a method suitable for an electronic system for

restoring a backup data, comprising: providing a backup data file (fig. 8) comprising

       "providing a backup data file comprising at least an application data" as providing

one or more backed-up configuration settings are stored in one or more backup archive

files 16, wherein each backup archive file includes backed-up configuration settings

from different application programs (paragraph [0023]);

       "searching an application program corresponding to the application data within a

registry of the electronic system" as when the user selects one of the archive files , such

as shown with the displayed backup archive 256, all the applications whose

configuration settings are backed-up in the selected archive file 16 are listed in a select

configuration settings section 258 of the GUI panel. The above information shows that

a user search all applications corresponding to the configuration settings with registry of

the system (fig. 7, paragraph [0034]);

       "if it is found that there is an application program corresponding to the application

data, the application data is restored" as restoring all configuration settings for a listed

application program. It means that the listed application program is found

corresponding to the all configuration settings (fig. 7, paragraph [0034]).

Callahan does not explicitly teach the claimed limitation

" if it is found that there is no application program corresponding to the

application data, the application data is not restored".

East teaches if these GUIDs do not match, the system then compares the GUID

of the second entry of the recovery fork name stack of the backup set with the GUID of

the recovery fork name of the database, as shown at a decision block 706. If those

GUIDs do not match, the attempted restore operation is rejected at a block 708 (fig. 7).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply East's teaching of if these GUIDs do not match, the

system then compares the GUID of the second entry of the recovery fork name stack of

the backup set with the GUID of the recovery fork name of the database, as shown at a

decision block 706. If those GUIDs do not match, the attempted restore operation is

rejected at a block 708 to Callahan's system in order to restore application data

correctly without conflict.

6.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callahan

in view of Bodnar et al (or hereinafter "Bodnar") (US 6295541).

As to claim 2, Callahan does not explicitly teaches the claimed limitation "wherein

the backup data file further comprises a Personal Information Manager (PIM) data, and

the method for restoring the backup data further comprises: reading and restoring the

Personal Information Manager (PIM) data to the electronic system".

Bodnar teaches PIM data (col. 7, lines 35-40); restoring dataset of PIM to the

client system (figs. 4A&5; col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Bodnar's teaching of PIM data and restoring data set

of PIM to the client system into Callahan's system in order to restore files from one

system to another system anytime.

7.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callahan

in view of Bodnar and further in view of Lohn et al (or hereinafter "Lohn") (US

6950836).

As to claim 3, Callahan does not explicitly teach the claimed limitation:

" wherein the backup data file further comprises an original model data, and the

method for restoring the backup data further comprises: reading an current model data

of the electronic system; and comparing the current model data with the original model

data, and if they are matched, all backup data in the backup data file are restored".

Lohn teaches providing time of the last modification of the damaged file, and the

backup server provides the time of last backup. The file restore filter makes a

comparison between the time of the last modification of the damaged file and time of the

last backup to determine whether changes have been made since the last backup copy,

if no change were made the damaged file since the last backup, the file is retrieved from

the backup server 16 and transparently restored to the application. The above

information indicates that if time of the damaged file matched with time of the last

backup, the file is restored (col. 4, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Lohn's teaching of providing time of the last

modification of the damaged file, and the backup server provides the time of last

backup. The file restore filter makes a comparison between the time of the last

modification of the damaged file and time of the last backup to determine whether

changes have been made since the last backup copy, if no change were made the

damaged file since the last backup, the file is retrieved from the backup server 16 and

transparently restored to the application to Callahan's system in order to restore a

correct version of data corresponding to a user's request.

8.   Claims 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Callahan in view of Aihara et al (or hereinafter "Aihara") (US 2006/0020828).

As to claim 4, Callahan does not explicitly teach the claimed limitation " wherein

the electronic system is a mobile device". Aihara teaches PDA (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Aihara's teaching of PDA to Callahan's system to

restore backing up data to another system any time conveniently when traversing out of office.

As to claim 5, Callahan does not explicitly teach the claimed limitation "wherein the mobile device is a Personal Digital Assistant (PDA).

Aihara teaches PDA (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of PDA to Callahan's system in order to restore backing up data to another system any time conveniently when traversing out of office.

As to claim 7, Callahan does not explicitly teach the claimed limitation "wherein the mobile device is a Smart Phone".

Aihara teaches portable telephone (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of portable telephone to Callahan's system in order to restore backing up data to another system any time conveniently when traversing out of office.

9.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callahan in view of Aihara et al (or hereinafter "Aihara") (US 2006/0020828) and Bodnar.

As to claim 6, Callahan does not explicitly teach the claimed limitation "wherein the PDA is a Pocket PC". Bodnar teaches Palmlot device (fig. 1).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Palmlot device to Callahan's system in order to restore/backup files in Palmto device to another system covalently during traveling.

10.   Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over of over Callahan et al (or hereinafter "Callahan") (US 2004/0193953) in view of East et al (or hereinafter "East") (US 6651077) and further in view of Bodnar.

As to claim 2, Callahan does not explicitly teaches the claimed limitation "wherein the backup data file further comprises a Personal Information Manager (PIM) data, and the method for restoring the backup data further comprises: reading and restoring the Personal Information Manager (PIM) data to the electronic system".

Bodnar teaches PIM data (col. 7, lines 35-40); restoring dataset of PIM to the client system (figs. 4A&5; col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bodnar's teaching of PIM data and restoring data set of PIM to the client system into Callahan's system in order to restore files from one system to another system anytime.

As to claim 6, Callahan does not explicitly teach the claimed limitation "wherein the PDA is a Pocket PC". Bodnar teaches Palmlot device (fig. 1).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Palmlot device to Callahan's system in order to

restore/backup files in Palmto device to another system convienently during traveling.

11.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over of

Callahan et al (or hereinafter "Callahan") in view of East and further in view of bodnar

and Lohn.

As to claim 3, Callahan does not explicitly teach the claimed limitation:

" wherein the backup data file further comprises an original model data, and the

method for restoring the backup data further comprises: reading an current model data

of the electronic system; and comparing the current model data with the original model

data, and if they are matched, all backup data in the backup data file are restored".

Lohn teaches providing time of the last modification of the damaged file, and the

backup server provides the time of last backup. The file restore filter makes a

comparison between the time of the last modification of the damaged file and time of the

last backup to determine whether changes have been made since the last backup copy,

if no change were made the damaged file since the last backup, the file is retrieved from

the backup server 16 and transparently restored to the application. The above

information indicates that if time of the damaged file matched with time of the last

backup, the file is restored (col. 4, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Lohn's teaching of providing time of the last

modification of the damaged file, and the backup server provides the time of last

backup. The file restore filter makes a comparison between the time of the last

modification of the damaged file and time of the last backup to determine whether

changes have been made since the last backup copy, if no change were made the

damaged file since the last backup, the file is retrieved from the backup server 16 and

transparently restored to the application to Callahan's system in order to restore a

correct version of data corresponding to a user's request.

12.   Claims 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Callahan in view of East and further in view of Aihara et al (or hereinafter "Aihara")

(US 2006/0020828).

As to claim 4, Callahan does not explicitly teach the claimed limitation " wherein

the electronic system is a mobile device". Aihara teaches PDA (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Aihara's teaching of PDA to Callahan's system to

restore backing up data to another system any time conveniently when traversing out of

office.

As to claim 5, Callahan does not explicitly teach the claimed limitation "wherein the mobile device is a Personal Digital Assistant (PDA).

Aihara teaches PDA (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of PDA to Callahan's system in order to restore backing up data to another system any time conveniently when traversing out of office.

As to claim 7, Callahan does not explicitly teach the claimed limitation "wherein the mobile device is a Smart Phone".

Aihara teaches portable telephone (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aihara's teaching of portable telephone to Callahan's system in order to restore backing up data to another system any time conveniently when traversing out of office.

Conclusion

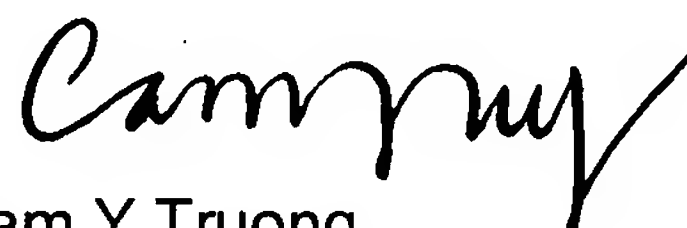13.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pillai (US 6912630).

Contact Information

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Firday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam Y Truong
Primary Examiner
Art Unit 2162
1/12/2007